



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Yuki SASAKI et al.

Appln. No.: 10/015, 611
Filed: December 17, 2001

Examiner: L. Wells
Group Art Unit: 1617

For: RESIN POWDER FOR DERMATOLOGIC COMPOSITION, SKIN
CLEANSING AGENT AND COSMETIC COMPOSITION USING THE
POWDER, AND PREPARATION PROCESS OF THE POWDER

DECLARATION UNDER 37 C.F.R. §1.132

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir/Madam:

I, Hirotaka Matsuoka, do declare and state as follows:

I graduated from Yokohama National University, Faculty of Engineering, with receiving a Bachelor's Degree in Physical Chemistry in March of 1983.

In April of 1983, I was employed by Fuji Xerox Co., Ltd., and since that time have been principally engaged in research and development relating to fine particles. Particularly, since January of 2001, I have been principally engaged in research and development relating to cosmetics.

I am familiar with the Office Action dated August 22, 2003 issued in the above-specified application.

EXPERIMENTATION

The shape factor SF1 of the polystyrene particles disclosed in Example 1 of JP '639 was measured. As a result, it was found that the particles are almost true spheres having a shape factor SF1 of 105.

Organoleptic tests were conducted on the spherical

polystyrene powder (SF1 = 105) of JP '639 in the same manner as in Example 1 of the present application. The tests gave a value of 4.5 for each of smoothness and spreadability, but only 2.0 for the affinity to the skin. These results were far inferior to those of Example 1 of the present application (which gave 4.9 for the affinity to the skin).

A solid powder foundation was prepared in the same formulation as in Example 11 of the present application, except for replacing the resin particles of Example 1 with the spherical particulate polystyrene of JP '639 (SF1 = 105).

Organoleptic tests were conducted on the solid powder foundation. The tests gave a value of 4.3 for each of smoothness and spreadability, but only 2.7 for the affinity to the skin. These results were far inferior to those of Example 11 of the present application (which gave 4.9 for the affinity to the skin).

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : December 2, 2003 Name : Hiroataka Matsuoka
Hiroataka Matsuoka